

APPEAL NO. 033134  
FILED JANUARY 6, 2004

This appeal arises pursuant to the Texas Workers' Compensation Act, TEX. LAB. CODE ANN. § 401.001 *et seq.* (1989 Act). A contested case hearing was held on November 13, 2003. The hearing officer determined that the appellant (claimant) did not sustain a compensable injury on \_\_\_\_\_; that because the claimant did not sustain a compensable injury he did not have disability; and that because there was no compensable injury, such injury does not include the cervical, thoracic, and/or lumbar spine.

The claimant appeals on sufficiency of the evidence grounds. The respondent (self-insured) responds, urging affirmance.

DECISION

Affirmed.

The claimant, whose job was to put tags on pants, testified that he injured his back lifting a stack of pants on \_\_\_\_\_; that he reported the injury that day; that he finished his shift; and that the next day sought medical attention from a chiropractor, who took him off work. There was conflicting evidence including whether the claimant is claiming a specific incident injury lifting pants, or a repetitive trauma injury, or how either type of injury could cause injury to the cervical, thoracic, and lumbar spine at the same time.

The question of whether the claimant sustained a compensable injury and the extent of any such injury presented questions of fact for the hearing officer to resolve. The hearing officer is the sole judge of the weight and credibility of the evidence. Section 410.165(a). As the fact finder, the hearing officer was charged with the responsibility of resolving the conflicts and inconsistencies in the evidence and deciding what facts the evidence had established. The hearing officer could believe all, part, or none of the testimony of any witness, including that of the claimant. Aetna Insurance Company v. English, 204 S.W.2d 850 (Tex. Civ. App.-Fort Worth 1947, no writ). The hearing officer was acting within her province as the fact finder in resolving the conflicts and inconsistencies in the evidence against the claimant. Nothing in our review of the record reveals that the challenged determinations are so against the great weight of the evidence as to be clearly wrong or manifestly unjust. Cain v. Bain, 709 S.W.2d 175, 176 (Tex. 1986). Accordingly, no sound basis exists for us to disturb those determinations on appeal.

Because we are affirming the hearing officer's determination that the claimant did not have a compensable injury, the claimant, by definition in Section 401.011(16), cannot have disability.

The hearing officer's decision and order are affirmed.

The true corporate name of the insurance carrier is **(a certified self-insured)** and the name and address of its registered agent for service of process is

**CORPORATION SERVICE COMPANY  
701 BRAZOS, SUITE 1050  
AUSTIN, TEXAS 78701.**

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Thomas A. Knapp  
Appeals Judge

CONCUR:

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Elaine M. Chaney  
Appeals Judge

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Edward Vilano  
Appeals Judge